

KC

FILED

10 SEP 14 PM 12:16

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

CLERK, U.S. BANKRUPTCY CT.
EASTERN DIST. OF CA.
SACRAMENTO, CA.

In Re: FEATHER RIVER INDUSTRIES, INC.

Case Number: 01-23733 TH

Debtor(s).

**APPLICATION FOR PAYMENT
OF UNCLAIMED FUNDS**

1. On May 6, 2010 [dates], a check in the amount of \$ 8111.82 belonging to FRWG - Las Vegas [name of original creditor/claimant] was tendered to the Clerk of the above-entitled Court by the case trustee as unclaimed funds for claim(s) numbered: 60

2. The funds so tendered were deposited with the United States Treasury by the Clerk and remain unclaimed.

3. Applicant alleges that the following person or entity is the owner of the funds described in paragraph 1 [provide name, address and telephone number]:

FEATHER RIVER CO., LLC

5188 Palmyra Ave.

Las Vegas, NV 89146

(702) 327-8910

4. The original disbursement was not presented for payment because [specifically state the reason and include a brief history of the creditor/claimant from the filing of the claim to the present. Attach supporting documentation]:

FRWG - Las Vegas was the name used by the franchisor (debtor) to refer to Feather River Wood & Glass Stores, LLC, whose name has been changed to

FEATHER RIVER CO., LLC.

Additionally, address on Proof of Claim, used by Trustee, has street name incorrectly spelled. "7898 Blue Venus" should be 7898 Blue Venice." Also, that address was changed several years ago.

See certified statement attached.

5. Applicant represents that the alleged owner is entitled to receive the requested funds, has made sufficient inquiry and has no knowledge that any other party may be entitled to, and is not aware of any dispute regarding, the funds at issue based upon the following [check the statement(s) that apply]:

- ☒ a. The alleged owner is the creditor/claimant named in paragraph 1 and the owner of the funds appearing on the records of this Court, as evidenced by the attached documents.
- ☐ b. The alleged owner is the assignee of the creditor/claimant named in paragraph 1, or the assignee's representative, as evidenced by the attached documents.
- ☐ c. The alleged owner is the successor-in-interest of the creditor/claimant named in paragraph 1, or the successor-in-interest's representative, as evidenced by the attached documents establishing chain of ownership.
- ☐ d. The alleged owner is the estate of the deceased creditor/claimant named in paragraph 1, as evidenced by the attached certified copies of death certificate and other appropriate probate documents.
- ☐ e. Subparagraphs (a) through (d) above do not apply. As evidenced by the attached documents, the alleged owner is:

In Re: FEATHER RIVER INDUSTRIES, INC.	CASE NUMBER: 01-23733 TH
---------------------------------------	--------------------------

6. Applicant is [check the statement that applies]:

- ☐ a. The alleged owner of the funds. Attach the appropriate *Identification Form for Unclaimed Funds*.
- ☐ b. A duly authorized corporate officer (if a corporation) or a general partner (if a partnership) and is the representative of the alleged owner of the funds. Attach the appropriate *Identification Form for Unclaimed Funds*.
- ☐ c. The representative of the estate of a deceased alleged owner of the funds. Attached certified copies of probate documents which substantiates applicant's right to act on behalf of the decedent's estate.
- ☒ d. The attorney in fact for the alleged owner of the funds authorized by the attached notarized, original Power of Attorney to file this application on behalf of the alleged owner.
- ☐ e. An attorney representing the interests of the owner of the funds with authority to receive such funds, as evidenced by the attached notarized original Power of Attorney.

7. I understand that, pursuant to 18 U.S.C. § 152, I shall be fined not more than \$5,000, or imprisoned not more than five years, or both, if I have knowingly and fraudulently made any false statements in this document or accompanying supporting documents. I further understand that any indications of fraud detected by the Court will be turned over to the U. S. Attorney for possible prosecution.

8. A copy of this completed application (with all supporting documentation) was mailed to the following on (date): 8-28-10

(US Attorney)

(Owner of the funds)

(Other)


United States Attorney
501 I Street, 9th Floor
Sacramento, CA 95814

FEATHER RIVER CO., LLC
5188 Palmyra Ave.
Las Vegas, NV 89146

WHEREFORE, applicant prays for an order directing the Clerk of the above-entitled Court to pay said tendered money to the applicant.

I declare (or certify, or verify, or state) under penalty of perjury under the laws of the United States of America, that the foregoing statements and information are true and correct:

Dated: 8-28-10


Applicant's Signature
AL MELONE, for ASSET RECOVERY TRUST
Applicant's Name Typed or Printed
P.O. BOX 4296
Applicant's Address
COSTA MESA, CA 92628

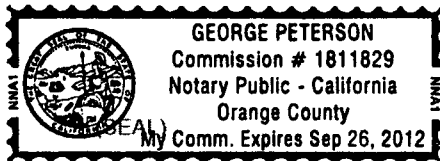
(714) 546-8100
Applicant's Telephone Number

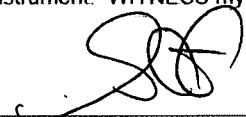
In Re: FEATHER RIVER INDUSTRIES, INC.	CASE NUMBER: 01-23733 TH
---------------------------------------	--------------------------

STATE OF CALIFORNIA, COUNTY OF ORANGE

On AUGUST 29, 2010 before me, personally appeared (insert name and title of signer)

~~AL MALONE~~ AL MELONE personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the written instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.




Notary Public

My commission expires on 9/26/12

FOR COURT USE ONLY

File and documents reviewed by *Jaren Cesiane* on 9-14-10

I have carefully reviewed this application and all supporting documents and recommend to the Court that this application be approved.

Jaren Cesiane 9-14-10
Financial Administrator, U.S. Bankruptcy Court Date

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

IN RE: FEATHER RIVER INDUSTRIES, INC.

CASE NO: 01-23733 TH

CORPORATION/BUSINESS IDENTIFICATION
FORM FOR UNCLAIMED FUNDS

DEBTOR(S).

I, E. LYLE GREGORY, hereby state that I am the SOLE MANAGING MEMBER (Title)
of FEATHER RIVER CO., LLC (Business Name), and I am authorized to request payment of
unclaimed funds.

Current Telephone No. (702) 327-8910
Tax Identification No. 88-0423537
Previous Mailing Address 7898 Blue Venice Ct.
Las Vegas, NV 89117
Current Mailing Address 5188 Palmyra Ave.
Las Vegas, NV 89146

Dated:

(SEAL*)

Signature

* Affix seal, if available, and attach appropriate documentation which indicates that the person signing is authorized to do so. This documentation should be a corporate power of attorney signed by the CEO of the company (or other corporate officer) and a statement of the signing officer's authority, or similar documentation, as well as documents establishing the chain of ownership of the original corporate/business claimant, if appropriate.

STATE OF NEVADA, COUNTY OF CLARK
On 20th DAY of AUGUST, 2010 before me, personally appeared (insert name and title of signer)
E. LYLE GREGORY

_____ personally known to
me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the written
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument. WITNESS my hand and official seal.



Notary Public

My commission expires on

02-14-14

To ensure payment to the proper party, please fill out the identification portion of this form and submit together with an Application for Payment of Unclaimed Funds (EDC 3-950) and supporting documentation to:

Financial Administrator
United States Bankruptcy Court
Eastern District of California
501 I Street, Suite 3-200
Sacramento, CA 95814

**LIMITED POWER OF ATTORNEY/
DECLARATION**

I do hereby grant to **ASSET RECOVERY TRUST**, my sole true and lawful attorney-in-fact for me and in my name, place and stead, giving unto my attorney-in-fact full power to do and perform, on an exclusive basis, all and every act not constituting the practice of law that I may legally do through an attorney-in-fact, for the following limited purpose and for no other:

To reclaim, recover, and return unclaimed funds in the amount of **\$8,111.82** only, less agreed upon fee, to the signatory below.

I do hereby grant my attorney-in-fact every power necessary to carry out the limited purposes for which this limited power of attorney is granted, on an exclusive basis.

This Limited Power of Attorney revokes all previous powers of attorney granted for the purpose of obtaining dividends from this specific bankruptcy case.

I do hereby declare that **FEATHER RIVER CO., LLC**, fka **FEATHER RIVER WOOD & GLASS STORES, LLC**, aka **FRWG - Las Vegas**, (the latter name designated by our franchisor, the debtor) is a rightful creditor of case **01-23733 TH**, Feather River Industries, Inc. and a sole member Nevada limited liability company, that we moved from **7898 Blue Venice Ct., Las Vegas, NV 89146**, that we are presently located at **5188 Palmyra Ave., Las Vegas, NV 89146**, that our phone number is **702-327-8910**, that the enclosed documents evidencing our identity and right to his unclaimed dividend are true and correct copies of the originals, and that we are entitled to this unclaimed dividend.

I do hereby certify under penalty of perjury under U.S. law that the foregoing is true and correct, and that I have authority to sign for the company.

DATED 8/20/2010

SIGNED 

NAME E. LYLE GREGORY

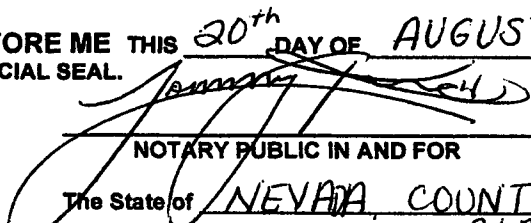
TITLE (SOLE) MANAGING MEMBER

COMPANY FEATHER RIVER CO., LLC.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF AUGUST, 2010,
TO CERTIFY WITNESS MY HAND AND OFFICIAL SEAL.

[SEAL]




NOTARY PUBLIC IN AND FOR
The State of NEVADA COUNTY OF CLARK
My Commission expires on 02-14-14

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA (SACRAMENTO)		PROOF OF CLAIM
Name of Debtor Feather River Industries, Inc.	Case Number 01-23733-547-7	<div style="border: 1px solid black; padding: 5px; text-align: center;"> FILED APR 23 2001 </div> <div style="border: 1px solid black; padding: 2px; text-align: center;"> <small>UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA</small> </div> <div style="text-align: center; font-size: small;">THIS SPACE IS FOR COURT USE ONLY</div>
<small>NOTES: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503.</small>		
Name of Creditor (The person or other entity to whom the debtor owes money or property): FRWG - Las Vegas Name and Address where notices should be sent: FRWG - Las Vegas 7898 BLUE VENUS CT LAS VEGAS NV 89117 Telephone Number: <u>702-270-3667</u> Account or other number by which creditor identifies debtor: _____		
<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.		
<input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input checked="" type="checkbox"/> Other Deposits paid for merchandise not received and loss of profit		<input type="checkbox"/> Check box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,650)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). <small>*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>
1. Date debt was incurred: <u>ON OR BEFORE 7/2000 TO CURRENT</u> 2. Total Amount of Claim at Time Case Filed: <u>\$ 125,161.67</u> If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. 3. Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
4. Secured Claim. <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of storage and other charges at time case filed included in secured claim, if any: \$ _____		
5. Unsecured Priority Claim. <input type="checkbox"/> Check this box if you have an unsecured priority claim. Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,650)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). <small>*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>		
6. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. 7. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. 8. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		
Date: <u>4-16-01</u> Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach original power of attorney, if any): <u>E. Lyle GREGORY</u>		
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.		

004964

Feather River Wood & Glass Co., LLC
Customer QuickReport

Form **8879-PE****IRS e-file Signature Authorization
for Form 1065**

OMB No. 1545-204

2009Department of the Treasury
Internal Revenue Service

For calendar year 2009, or tax year beginning _____, ending _____

▶ See instructions. Do not send to the IRS. Keep for your records.

Name of partnership

Employer identification number

Feather River Co., LLC**88-0423537****Part I Tax Return Information (Whole dollars only)**

1	Gross receipts or sales less returns and allowances (Form 1065, line 1c)	1	133,95
2	Gross profit (Form 1065, line 3)	2	48,89
3	Ordinary business income (loss) (Form 1065, line 22)	3	43,27
4	Net rental real estate income (loss) (Form 1065, Schedule K, line 2)	4	
5	Other net rental income (loss) (Form 1065, Schedule K, line 3c)	5	

Part II Declaration and Signature Authorization of General Partner or Limited Liability Company Member Manager (Be sure to get a copy of the partnership's return)

Under penalties of perjury, I declare that I am a general partner or limited liability company member manager of the above partnership and that I have examined a copy of the partnership's 2009 electronic return of partnership income and accompanying schedules and statements and to the best of my knowledge and belief, it is true, correct, and complete. I further declare that the amounts in Part I above are the amounts shown on the copy of the partnership's electronic tax return. I consent to allow my electronic return originator (ERO), transmitter, or intermediate service provider to send the partnership's return to the IRS and to receive from the IRS (a) an acknowledgement of receipt or reason for rejection of the transmission, and (b) the reason for any delay in processing the return. I have selected a personal identification number (PIN) as my signature for the partnership's electronic income tax return.

General Partner or Limited Liability Company Member Manager's PIN: check one box only

- ☒ I authorize **Swan & Gardiner, CPA's, LLC** to enter my PIN **23537** as my signature
ERO firm name
on the partnership's 2009 electronically filed income tax return.
do not enter all zeros
- ☐ As a general partner or limited liability company member manager of the partnership, I will enter my PIN as my signature
on the partnership's 2009 electronically filed income tax return.

General partner or limited liability company member manager's signature ▶

Title ▶ **LLC Member****Lyle E. Gregory**

Date ▶

Part III Certification and Authentication

ERO's EFIN/PIN. Enter your six-digit EFIN followed by your five-digit self-selected PIN.

88016211111

do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature on the 2009 electronically filed income tax return for the partnership indicated above. I confirm that I am submitting this return in accordance with the requirements of Pub. 3112, IRS e-file Application and Participation, and Pub. 4163, Modernized e-File (MeF) Information for Authorized IRS e-file Providers for Business Returns.

ERO's signature ▶ **Matthew H. Swan**Date ▶ **07/27/10**

ERO Must Retain This Form — See Instructions
Do Not Submit This Form to the IRS Unless Requested To Do So

For Paperwork Reduction Act Notice, see instructions.

Form **8879-PE** (2009)

* FILED AS SOLE MEMBER

03/23/04 13:55:58

InfoPress->

17022703677 STATE OF NEVADA

Page 001



DEAN HELLER
Secretary of State
204 North Carson Street, Suite 1
Carson City, Nevada 89701-4299
(775) 684 5700
Website: secretaryofstate.biz

FILED UC 2487-99

MAR 30 2004

IN THE OFFICE OF
DEAN HELLER
SECRETARY OF STATE

**Amendment to
Articles of Organization**
(PURSUANT TO NRS 86.221)

Important: Read attached instructions before completing form.

ABOVE SPACE IS FOR OFFICE USE ONLY

Certificate of Amendment to Articles of Organization
For a Nevada Limited-Liability Company
(Pursuant to NRS 86.221)

1. Name of limited-liability company: Feather River Wood & Glass
Stores LLC

2. The company is managed by (check one): ☒ managers or ☐ members

3. The articles have been amended as follows (provide articles numbers, if available):*

Amend name to Feather River Co. LLC

4. Signature (must be signed by at least one manager or by a managing member).

[Signature]
Signature

* 1) If amending company name, it must contain the words "Limited-Liability Company," "Limited Company," or "Limited" or the abbreviations "Ltd.," "LLC.," or "L.C.," "LLC" or "LC." The word "Company" may be abbreviated as "Co."

2) If adding managers, provide names and addresses.

FILING FEE: \$175.00

IMPORTANT: Failure to include any of the above information and submit the proper fees may cause this filing to be rejected.

SUBMIT IN DUPLICATE

This form must be accompanied by appropriate fees. See attached fee schedule.

Nevada Secretary of State AM Bankruptcy
Revised 11/18/03

3/30/2004 2:59:00 PM \$138.00
CL 120044330-015

Feather River Co.

4230 S. Decatur Blvd. Suite E Las Vegas, NV 89103
Ph. 702-270-3667 Fax 702-270-3677

April 5, 2004

IRS

Attention: Entity
Ogden, UT 84201

To Whom It May Concern:

We have officially changed the name of our LLC from Feather River Wood & Glass Stores, LLC to Feather River Co., LLC. (Please see Amendment to Articles of Organization filed and accepted by Nevada Secretary of State) The purpose of the change was due to a trademark infringement claim brought on by Trinity Glass International (Please see correspondence from Davis Wright Tremaine LLP) which resulted in the need to change the name of our LLC (Please see AGREEMENT). We need to transfer our Federal Tax ID Number from Feather River Wood & Glass Stores, LLC to Feather River Co., LLC. Our Federal Tax ID Number is **88-0423537**.

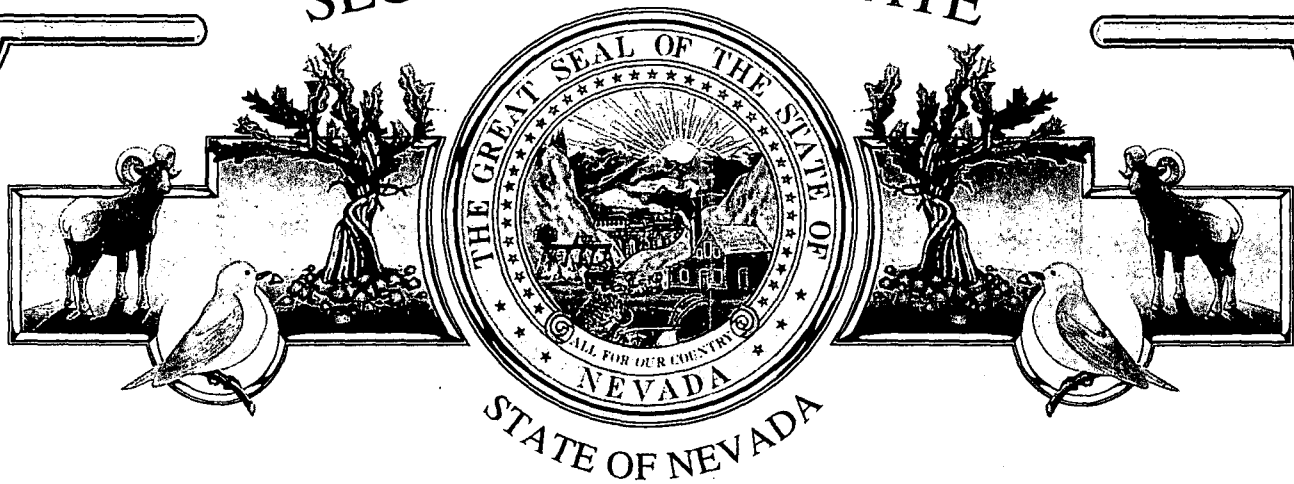
Please send letter of confirmation.

Sincerely



Lyle Gregory
Managing Partner

SECRETARY OF STATE



LIMITED-LIABILITY COMPANY CHARTER

I, DEAN HELLER, the Nevada Secretary of State, do hereby certify that **FEATHER RIVER WOOD & GLASS STORES, LLC** did on **APRIL 9, 1999**, file in this office the Articles of Organization for a Limited-Liability Company, that said Articles are now on file and of record in the office of the Nevada Secretary of State, and further, that said Articles contain the provisions required by the laws governing Limited-Liability Companies in the State of Nevada.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office in Las Vegas, Nevada, on **APRIL 9, 1999**.

Secretary of State


By


Certification Clerk





NEVADA





DRIVER LICENSE

1 GREGORY
2 EUGENE LYLE
8 5188 PALMYRA AVE
LAS VEGAS NV 89146-7032

E. Gregory

4d DL NO.	7475
3 DOB	
4b Exp	